



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

CESAM-RD-I
PUBLIC NOTICE NO. SAM-2009-01004-CTM

February 24, 2010

JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS AND
STATE OF ALABAMA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

AFTER-THE-FACT PERMIT REQUEST FOR THE FILLING OF WATERS OF THE UNITED STATES IN EUTAW, GREENE COUNTY, ALABAMA

TO WHOM IT MAY CONCERN: This District has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 USC 1344). Please communicate this information to interested parties.

APPLICANT: Sidetrack, LLC.
c/o Slawson Esq., P.C.
The Sidewinder Building
8933 Glendale Drive
Birmingham, Alabama 35206

AGENT: Spectrum Environmental, Inc.
Mr. Chad Stinnett
85 Spectrum Cove
Alabaster, Alabama 35007

LOCATION: An intermittent Unnamed Tributary to Minter Creek, in Eutaw, Greene County, Alabama; Section 3, Township 22 North, Range 2 East; more specifically the project is located at Latitude 32.9186790 and Longitude -87.8723661.

WORK: The work described below was completed prior to obtaining a Department of the Army permit and is in violation of Section 301 of the Clean Water Act. The applicant wishes to obtain an after-the-fact authorization for the discharge of fill material into an unnamed intermittent stream (a tributary to Minter Creek) and its associated wetlands in order to construct a parking lot. The applicant filled approximately 1,365 linear feet of stream and approximately 0.937 acre of wetlands. All work has been completed and no further impacts are planned.

PROJECT PURPOSE: The applicant stated that the purpose of the work was to establish a gaming operation that provides an alternative gaming opportunity to the residents of west-central Alabama and east-central Mississippi.

AVOIDANCE AND MINIMIZATION: Though impacts have occurred at the site, the applicant has avoided approximately 535 linear feet of unnamed tributary to Minter Creek and 0.05 acre of associated wetland fringe.

MITIGATION: The applicant proposes to mitigate for wetland impacts by purchasing wetland credits from the Big Sandy Mitigation Bank. The applicant proposes to mitigate for stream impacts by purchasing stream credits from the Big Sandy Mitigation bank or by generating credits at an off-site mitigation area that would be approved by the USACE prior to permit issuance.

WATER QUALITY: The applicant has applied for certification from the State of Alabama in accordance with Section 401(a)(1) of the Clean Water Act, and upon completion of the required advertising, a determination relative to certification will be made.

COMMENTS: This public notice is being distributed to all known interested persons in order to assist in developing facts on which a decision by the U.S. Army Corps of Engineers can be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and use of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production, and in general, the needs and welfare of the people.

The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state with particularity, the reasons for holding a public hearing.

Evaluation of the impacts involving deposits of dredged or fill material into waters of the United States will include the application of guidelines established by the Administrator of the U.S. Environmental Protection Agency.

In accordance with Section 106 of the National Historic Preservation Act, and Appendix C of 33 CFR 325, the undertaking defined in this notice is being considered for the potential to effect cultural and historic properties within the permit area. Although the extent of federal control and responsibility for these considerations are confined to the limits of the permit area for this particular project, the potential indirect effects that may occur to historic properties as a result of this undertaking are also being considered. We are seeking comment from the State Historic Preservation Officer, federally-recognized American Indian tribes, local historical societies, museums, universities, the National Park Service, and concerned citizens regarding the existence or the potential for existence of significant cultural and historic

February 23, 2010

properties within the permit area. Historic architectural or archaeological investigations may be necessary to ascertain the existence of such resources. Efforts will be made through the consultation process to avoid, minimize, or mitigate any adverse effects to significant cultural and historic properties that may occur as a result of this undertaking. The district engineer remains the final decision authority.

Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicates that the proposed activity had no affect on listed endangered or threatened species, or their critical habitat. The National Marine Fisheries Service requires the evaluation of impacts to Essential Fish Habitat of estuarine species.

Correspondence concerning this Public Notice should refer to Public Notice Number SAM-2009-01004-CTM and should be directed to:

District Engineer
Attn: Candice McCullough
U.S. Army Engineer District, Mobile
Birmingham Field Office
218 Summit Parkway, Suite 222
Homewood, Alabama 35209

with a copy to the:

Alabama Department of Environmental Management
4171 Commanders Drive
Mobile, Alabama 36615

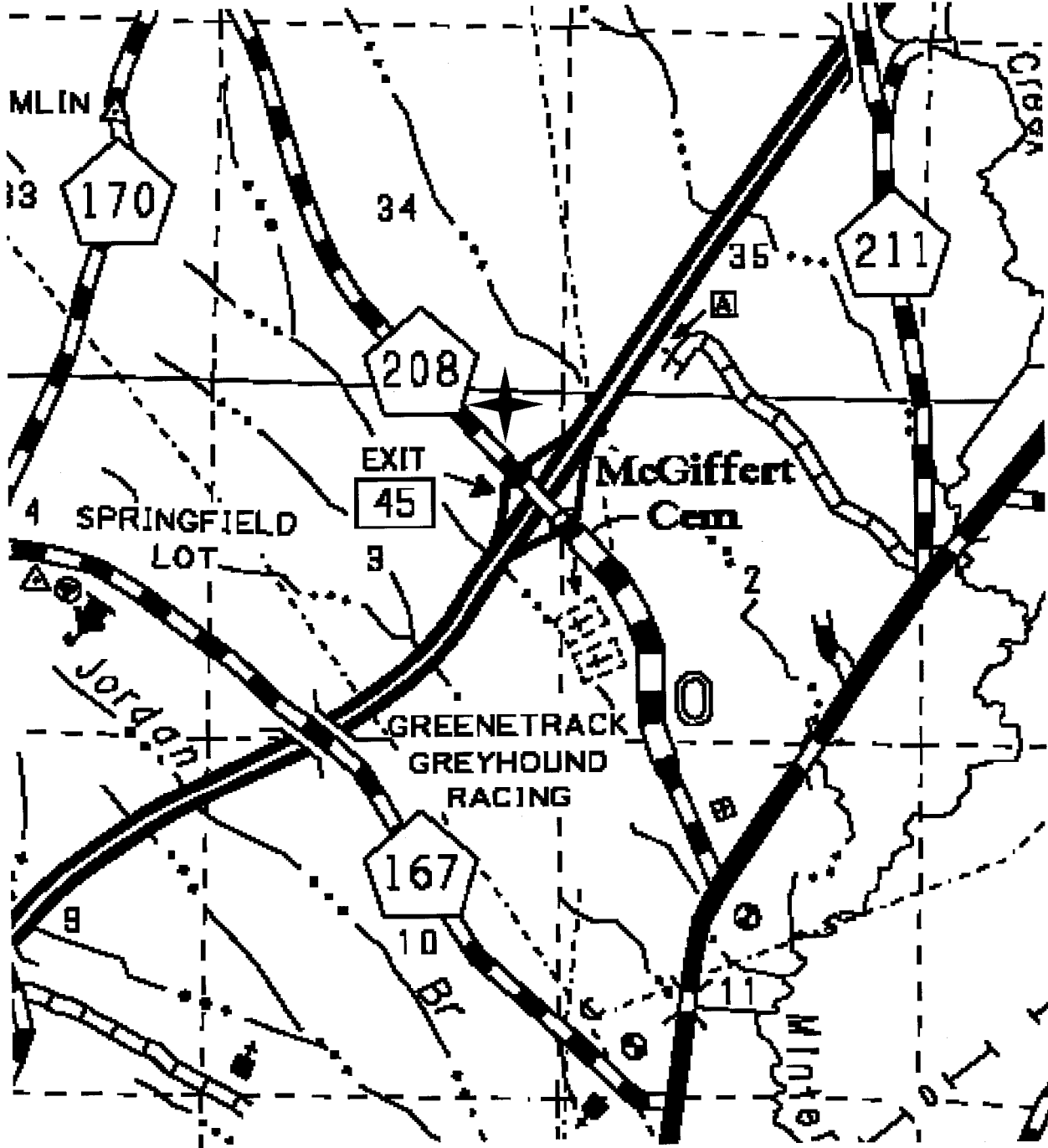
Comments should be received no later than **30 days** from the date of this Public notice.

If you have any questions concerning this publication, you may contact Ms. Candice McCullough at telephone number **(205) 290-9096**. Please refer to the above Public Notice number.

For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/RD/reg, and please take a moment to complete our customer satisfaction survey while you're there. Your responses are appreciated and will allow us to improve our services.

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MOBILE DISTRICT
U.S. Army Corps of Engineer



Source: Alabama Department of Transportation
Map Not To Scale

SAM-2009-01004-CTM;
Figure 1 of 2



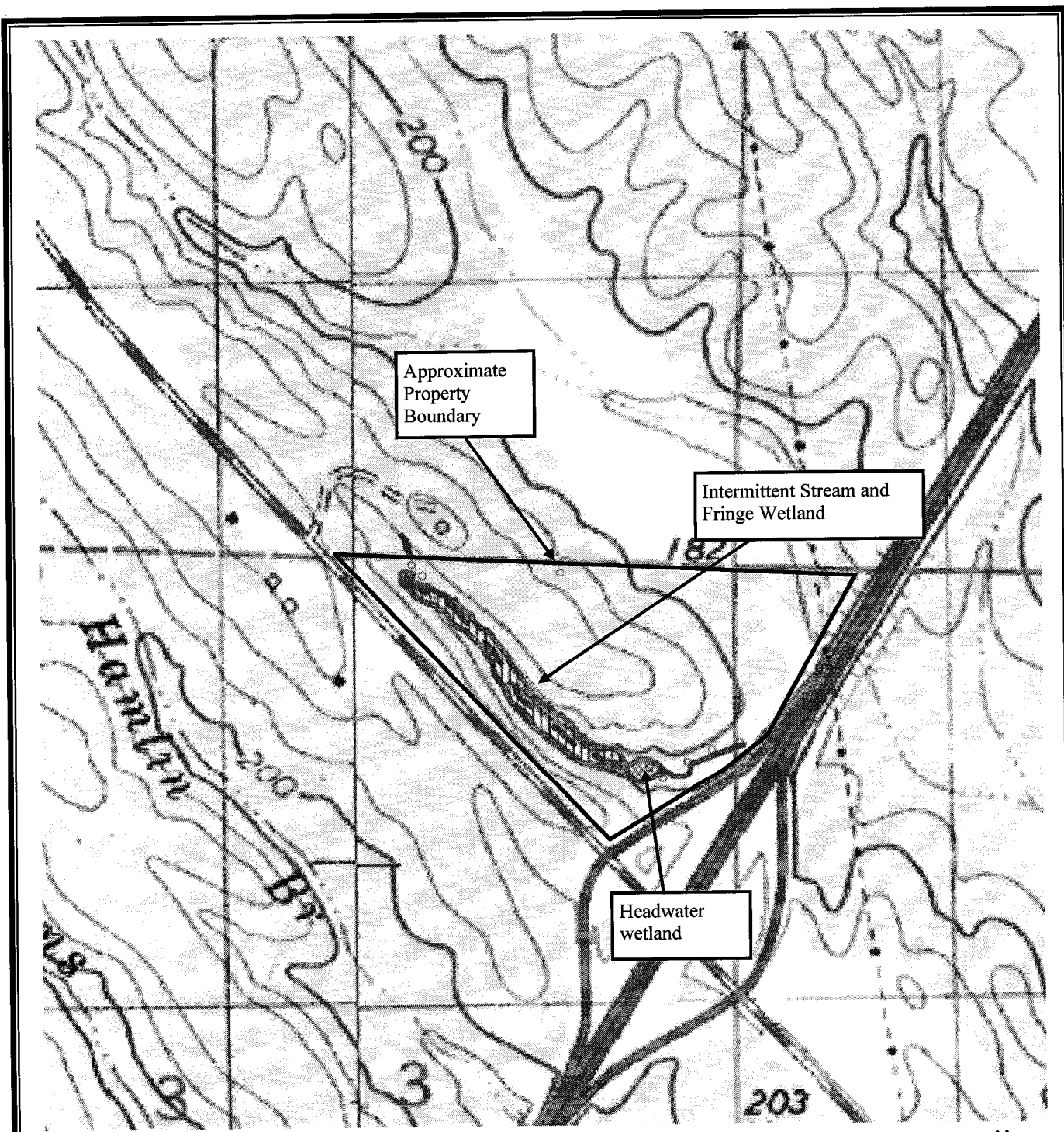
NO.	DATE	REVISION NOTE	BY

Drawn By:	Project #:
HB	2319-001
Checked By:	Date:
CS	7-15-09
Project Mgr.:	File Name:

SPECTRUM
Environmental Inc.

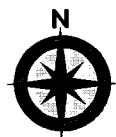
85 Spectrum Cove
Alabaster, AL 35007
FAX (205) 664-2142
PHONE (205) 664-2000

TITLE
2319002-1 Site Locator Map Cotton Patch Property Greene County, AL



Source: Maptech, Inc. 1999
 Map Not To Scale

SAM-2009-01004-CTM;
 Figure 2 of 2



NO.	DATE	REVISION NOTE	BY
1	9-18-09	Ephemeral changed to Wetland Corridor	HB

Drawn By:	Project #:
HB	2319-001
Checked By:	Date:
CS	7-15-09
Project Mgr.:	File Name:

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TITLE
2319002-5 JD Map Cotton Patch Property Greene County, AL